

論文の内容の要旨

論文題目 **The Taliban's Legitimation Strategy**
 – An Analysis through the Taliban's Code of Conduct –
 (タリバンの正当性戦略 – 行動規範の分析を通じて)

氏名 長嶺義宣

Thesis Summary

The objective of the thesis is to conceptualise the normative legitimisation strategy of the Armed Non-State Actor (ANSA) based on the theory of neo-institutionalism. Previous studies on the legitimisation strategy of the Taliban tend to focus on the material and rational aspect or on the medium of propagation and less on the discursive legitimisation strategy. The added value of the model is that it explains the response of the ANSA to different conflicting legitimacy pressures based on a subjective appreciation of dependency.

1. Problem analysis

The study stands at the crossroad of international relations and international law in general and analyses the relationship between the Non-State Actor (NSA) and international law in particular. There is an increasing recognition that NSAs play a non-negligible role in the creation of norms, standards and soft-laws. When it comes to *Armed* NSAs however, they are attached a more negative connotation and are refused any legal status or recognition of existence, since they resort to use of violence in infraction of domestic law.

The literature on ANSA and international norm assumes that ANSAs have a legal obligation to comply with international norms, while ignoring the possibility of participating in the norm creation or enjoyment of rights. In a similar vein, practioners are interested how to influence ANSAs towards a behaviour in compliance with international norms. They assume that ANSAs vie for political legitimacy from the international community and that adherence to international norms is the only normative reference to acquire legitimacy. Reasons for reference to other norms or for activities resulting in *loss* of legitimacy are left unanswered. A model is thus necessary to understand the Taliban's strategy determined by interest and identity.

2. Theoretical framework

The definition of 'legitimacy' is based on Weber's subjective perception of legitimacy and equals to a belief that the "political authority has the right to govern by those it seeks to govern and those on behalf of whom it purports to govern." As theoretical framework is used neo-institutionalism which considers institution as a set of cultural norms, symbols, beliefs and rituals according to which actors develop preferences and adapt their behaviour in their pursuit of legitimacy and survival. The strategic angle of organisational theory identifies different 'legitimacy communities' through which the actor navigates strategically based on a combination of an 'accommodating' or 'defiant' response. The actor becomes legitimate when it embraces norms in congruence with the societal environment. It further introduces the notion of 'internal legitimacy' and 'external legitimacy,' the former representing legitimacy within the organisation and the latter legitimacy external to the organisation.

3. Historical review

The historical review firstly puts the Taliban movement into the context in which the movement thrived between 1994-1996. The momentum of the movement is largely attributed to the general perception of positive change after a chaotic period of lawlessness, human suffering and conflict amongst warlords. In 1996, the Taliban conquered Kabul and established a regime whose draconian rule and failed governance grew increasingly unpopular with the general population. By the time the Taliban came under attack by the US and the Northern Alliance in 2001, the Taliban movement had lost all popular support and had either dissipated or fled into neighbouring Pakistan.

Since 2001, the Taliban movement has gradually attempted a return to Afghanistan by means of guerrilla-type insurgency. It is argued that the main reason for the Taliban's successful comeback was the consequence of President Karzai's loss of legitimacy caused by corruption, mismanagement and slow development in the countryside. Similarly to pre-2001, the 'new Taliban' appeal to the external community to be the legitimate replacement of the Karzai government.

4. Layeha, the Code of Conduct of the Taliban

The thesis chose the Layeha, the Taliban's Code of Conduct to analyse the Taliban's legitimisation strategy. The Layeha, first issued in 2006, is a set of rules and regulations which defines the enemy, prescribes the relationship with the local population, disciplines misbehaviour and exhorts the making efforts to become a better fighter. The process of drafting and the frequent reference of the leadership to the Layeha speak in favour of firm institutional backing by the leadership.

It is further asked whether the Layeha addresses the internal or external audience. The analysis of choice of language, and the intended use of the Layeha and its distribution leads to the conclusion that the immediate addressee of the Layeha is exclusively internal but it also shows that the content takes due consideration of the pressures and expectations stemming from the external community.

As for possible sources of legitimacy of the Layeha may be suggested charisma and personal qualities of the leader; pragmatic reasons, such as benefits and sanctions; or persuasion through reference to norms and values. The textual analysis finds the reference to charisma and personal qualities of the leadership as too weak to be of a compelling character. Sanctions for violation are also mentioned in the Layeha but they are found too vague to have a dissuasive effect. This leaves the norms and values as the most probable source of legitimacy as discussed in the next section.

5. Normative comparison of the Layeha

Adherence to norms and values embraced by the Taliban fighters is supposed to lend the Layeha the necessary legitimacy. Possible norms and values are identified as being Islamic law and *Pashtunwali*, (indigenous code of behaviour of the Pashtuns) as well as international humanitarian law.

The Layeha refers explicitly to Islamic law by citing the Koran and making use of religious norms. *Pashtunwali* on the other hand, does not find reference in the Layeha probably due to the Taliban's objection to tribal identity. Not surprisingly, international humanitarian law is not mentioned in the Layeha.

The Layeha is then analysed with regard to how it *objectively* converges with other norms and values. To some extent, the Layeha shows similarities with Islamic law with regards to the protection of the common people, the prohibition of unnecessary suffering or the treatment of prisoners. On the other hand, the permission to kill contractors, to use suicide bombing as well as to mete out punishment to prisoners in the guise of *ta'zir* (a category in Islamic criminal law) is found to be in blatant violation of Islamic law. In general, the leadership resorts to a manipulative use of religion by distorting the understanding of Islamic concepts to its advantage.

As for IHL, the basic principles of IHL such as distinction, proportionality or precaution are found duly reflected in the Layeha. 'Distinction' is first interpreted in terms of religious belief but is subsequently substituted by the potential to cause harm based on status and activity reminiscent of the approach of IHL. With regards to tactics, the Layeha only covers act of suicide attack but also herein, proportionality and precaution are given due consideration. The protection of 'common people' and surrendered soldiers also echoes the IHL regime of protection of civilians and persons *hors de combat*.

6. Interview with Taliban fighters

Direct interviews with the Taliban fighters aimed at understanding the subjective perception of the Layeha and its source of legitimacy, if any. All interviewees stressed their knowledge of the Layeha and explained the way they familiarised themselves with the Layeha. Interestingly, charisma or sanctions mechanism were not particularly mentioned as reasons for respecting the Layeha. Instead, they considered that the source of legitimacy of the Layeha derived from the Qur'an and that the leadership was accorded the necessary authority in so far as it defends the 'Islamic interests' against non-believers. Their worldview and the motivation for joining the movement revealed to be driven by non-material and religious values.

7. The 'one-way mirror' model

The textual and the empirical analysis of the Layeha leads us to the following observation:

1. The legitimisation strategy of the Taliban leadership as reflected in the Layeha is first and foremost a normative one. The Taliban leadership strives to accommodate the legitimacy pressure from both the internal (i.e. own Taliban fighters) and external ('international community', i.e. UNAMA) communities. The strategy towards its own members is a 'manipulative' one as religion is distorted to the advantage of the Taliban leadership. The strategy towards the international community is one of 'compliance' as it implicitly accepts and incorporates the basic principles of IHL.
2. The authority of the leadership is mostly drawn from its perceived observance of Islam as well as its moral integrity to stand firm against foreign influence in the eyes of the Taliban fighters. However, the authority of the leadership is in jeopardy if the leadership is found to be compromising with regard to foreign norms.
3. The leadership is thus eager to separate the rhetoric developed for the respective audience. For the internal audience in particular, the leadership strives to develop a separate narrative and worldview for its own members which ensures the legitimate position of the leader at the top. The external audience on the other hand maybe aware of the two-pronged rhetoric which does not threaten the position of the leadership.

Based on these insights, a metaphorical model is developed, termed here as 'one-sided mirror' to conceptualise the Taliban's legitimisation strategy. The leadership separates the two audiences with a 'one-sided mirror'. The reflecting side of the mirror faces the Taliban fighters who are kept 'in the dark' about the two-pronged strategy and reconfirms the norms and values of the Taliban fighters. On the other hand, the external audience manages to see through the mirror and is aware of the manipulative use of religion in relation with the internal audience.

The Layeha is represented in the form of a shaft which pierces the mirror and is visible at both ends. To the internal audience, the Layeha is presented as grounded in Islam whereas to the external audience, it implicitly appeals to IHL. Interviews with the Taliban members reconfirm their perception that the Layeha derives from the Qur'an whereas foreign observers are quick in recognizing aspects of both Islamic law and IHL.

A foretaste of consequence in case of a breakdown of the mirror is given by anecdotal accounts of a number of Taliban fighters who learnt about the opening of the Taliban's representation office in Qatar in view of holding talks with its Western counterparts. Taliban fighters are reported to have felt 'betrayed' in their values and to consider their leadership as no longer legitimate.

8. Conclusion

The model hopes to make a contribution to the literature of normative legitimisation strategy of the ANSA. First, the model explains how the Taliban have become dependent on an internal, as well as an external audience. The identity of the Taliban leadership is firstly a purist Islamist movement imbued with a missionary zeal to expel foreigners. In the course of time however, the discursive interaction with the international community gave rise to another identity of the Taliban, namely that of a nationalist movement worthy of a legitimate place in the international community. This led the identity of the Taliban being 'split' making the leadership accountable to both internal and external audience as an unintended outcome. The model also explains how the Taliban strive to acquire legitimacy. The leadership reconciles its aspiration for external legitimacy with maintenance of leadership position through a strategy of 'norm isolation' by manipulating the norm addressed to a particular audience and isolating the latter from external influences.

The model also helps to review the current policy towards the Taliban and to reformulate the policy from a different angle. The conclusion of the policy analysis in the light of this model would speak in favour of an indirect approach towards the Taliban by wrapping the message in a locally accepted norm and language and passing it through local influential intermediaries. Finally, further research may be needed to consider the applicability of the model beyond the context of Afghanistan.